

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E3179 (35-5889)

MEMORANDUM DECISION

Exchange Application Number E3179 (35-5889), in the names of Mark Stephen and Sandra L Hayes, was filed on October 5, 1993, to exchange 1.0 acre-foot of water as evidenced by U.S. Bureau of Reclamation and contract with Weber Basin Water Conservancy District under 35-828 (A27609). The 1.0 acre-foot of water is to be released into the Weber River and, in lieu thereof, 1.0 acre-foot of water will be diverted from a underground water well and a spring. The well is located South 220 feet and East 1065 feet and an unnamed spring is located South 1550 feet and East 300 feet, both located from the N $\frac{1}{4}$ Corner of Section 8, T3N, R4E, SLB&M, and used for the irrigation of 0.18 acre of land and the domestic purposes of one family.

The application was advertised in The Summit County Bee from October 29, 1993, to November 12, 1993, and was not protested.

It appears that this exchange can be made provided certain precautions are observed.

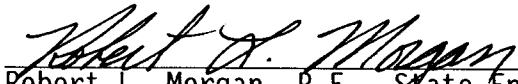
It is, therefore, **ORDERED** and Exchange Application Number E3179 (35-5889) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn from the well if a contract is not in effect.
- 2) Total diversion under this exchange application for all uses applied for is limited to 1.0 acre-foot of water per year. These uses are limited to irrigation of 0.18 acre of land and the domestic purposes of one family. For the purpose of regulating this exchange, the applicant shall install permanent totalizing meter to measure withdrawals from the underground water well and spring, which meter shall be available for inspection by the commissioner of the Weber River at any reasonable time.
- 3) The water being exchanged shall be released from Wanship Reservoir into the Weber River as called for by the river commissioner.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date

Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 26th day of April, 1994.


Robert L. Morgan, P.E., State Engineer

RLM:JRM:dt:mw

Mailed a copy of the foregoing Memorandum Decision this 26th day of April, 1994, to:

Mark Stephen and Sandra L Hayes
7708 West 900 South
Ogden, UT 84404

Weber Basin Water Conservancy District
2837 E. Hwy. 193
Layton, UT 84040

E. Blaine Johnson
1615 E. Shadow Valley Drive
Ogden, UT 84403

BY: 
MacIovia White, Secretary